DOCUMENT RESUME

ED 438 371 UD 033 340

AUTHOR	Yu, Corrine M., Ed.; Taylor, William L., Ed.
TITLE	Title I in Midstream: The Fight To Improve Schools for Poor Kids. Report of the Citizens' Commission on Civil Rights, Fall 1998. Executive Summary.
INSTITUTION	Citizens Commission on Civil Rights, Washington, DC.
SPONS AGENCY	Edna McConnell Clark Foundation, New York, NY.; John D. and Catherine T. MacArthur Foundation, Chicago, IL.; Annenberg Foundation, St. Davids, PA.; Spencer Foundation, Chicago, IL.
PUB DATE	1998-00-00
NOTE	42p.; Dianne M. Piche, Project Director, with the assistance of Phyllis McClure, Stephanie Schmelz. For the 1999 report, see UD 033 341.
AVAILABLE FROM	Citizens Commission on Civil Rights, 2000 M St., N.W., Washington, DC 20036. Tel: 202-659-5565. For full text: http://www.cccr.org/cccr/report12.html.
PUB TYPE	Reports - Evaluative (142)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	*Compensatory Education; *Disadvantaged Youth; Educational Policy; Educational Practices; Elementary Secondary Education; *Equal Education; *Federal Legislation; Minority Groups; Poverty; Standards; *Urban Youth
IDENTIFIERS	*Elementary Secondary Education Act Title I; Reform Efforts

ABSTRACT

This executive summary, part of a larger study that will include an examination of Title I implementation in selected districts and schools, assesses the extent to which the policies and enforcement practices of the U.S. Department of Education have fulfilled the promise of the recent reauthorization of the Title I program. The summary is organized around five broad sets of questions about the impact of Title I on the academic achievement of poor children: (1) high standards for all; (2) fair and accurate assessments; (3) accountability; (4) adequate teacher capacity to provide all students with the opportunity to achieve; and (5) evidence that reforms can work. The summary finds that Title I has made some difference to poor and minority children, but it has not made enough of a difference to close the persistent achievement gap between poor and nonpoor, and minority and nonminority students. The shortcomings of the program are found to flow in large measure from the failure of federal, state, and local officials to heed the call of the new law to renovate and reform the educational system. There is wide variation in the degree to which the states have complied with the requirement of the new Title I. The summary makes recommendations to address the identified shortcomings of Title I implementation. (SLD)

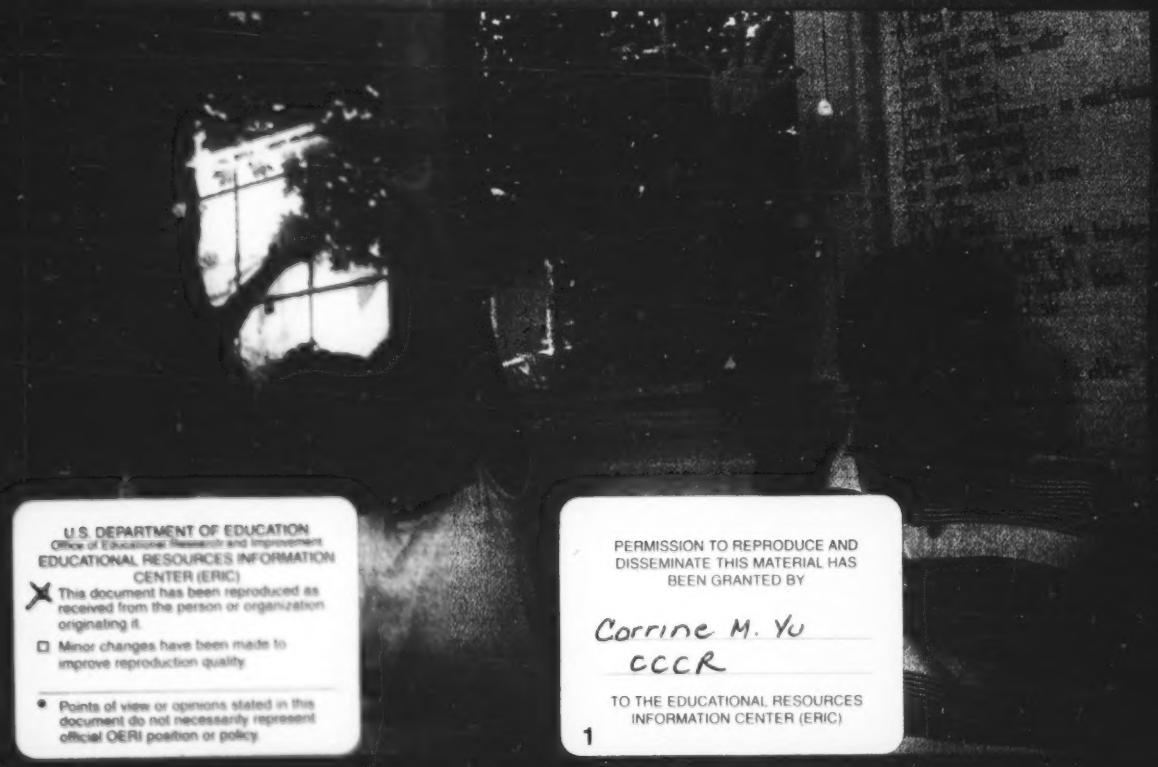
Reproductions supplied by EDRS are the best that can be made
from the original document.

ED 438 371

UD

EXECUTIVE SUMMARY

Title I in Midstream: THE FIGHT TO IMPROVE SCHOOLS FOR POOR KIDS



U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
X This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
Corrine M. Yu
CCCR
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
1

Report of the Citizens' Commission on Civil Rights
Fall 1998

UD033340

2

TITLE I AT MIDSTREAM:

THE FIGHT TO IMPROVE SCHOOLS FOR POOR KIDS

Corrine M. Yu and William L. Taylor, Editors
Dianne M. Piché, Project Director
with the assistance of
Phyllis McClure
Stephanie Schmelz

- **Executive Summary**
- **Conclusion**
- **Findings and Recommendations**

Report of the Citizens' Commission on Civil Rights
Fall 1998

Copyright ©1998 by Citizens' Commission on Civil Rights

Design by Rock Creek Publishing Group, Inc.
Cover Photography by Rick Reinhard

All rights reserved. Reproduction of this publication, in whole or part, is permitted with proper citation.

Copyright ©1998 by Citizens' Commission on Civil Rights

2000 M Street, NW
Suite 400
Washington, DC 20036
(202) 659-5565
www.cccr.org
Internet: citizens@cccr.org

Published by Citizens' Commission on Civil Rights

ACKNOWLEDGMENTS

Many people contributed to the creation of this report. Corrine M. Yu, Director and Counsel of the Citizens' Commission, is the Commission's Title I project administrator. Dianne M. Piché directs the project and was the principal investigator and author of this report. Phyllis M. McClure and Stephanie Schmelz assisted in the writing of this report and made other important contributions to this project. William L. Taylor, Vice Chair of the Commission, helped write and edit the report and provided overall guidance for the project. Brian Borrayo, Lauren Altes, and Tomika Little provided valuable administrative support to the Commission and to the authors and editors during the preparation of this report. The Commission also expresses its thanks and appreciation to Kathy Downey for her assistance and advice in connection with this project.

The Commission is also grateful to Rock Creek Publishing Group, Inc. for their graphic design, and to Rick Reinhard for his photo.

This work would not have been possible without the financial support of the Spencer Foundation, the Edna McConnell Clark Foundation, the John D. and Catherine T. MacArthur Foundation, and the Annenberg Foundation.

FOREWORD

The Citizens' Commission on Civil Rights is a bipartisan organization established in 1982 to monitor the civil rights policies and practices of the federal government and to seek ways to accelerate progress in the area of civil rights.

The Commission gratefully acknowledges the support of the Spencer Foundation, the Edna McConnell Clark Foundation, the John D. and Catherine T. MacArthur Foundation, and the Annenberg Foundation for this study.

MEMBERS OF THE CITIZENS' COMMISSION ON CIVIL RIGHTS

Chairman

Arthur S. Flemming*
Chairman, Save Our Security Coalition
Chairman, Healthright
Former Secretary, Department of Health, Education and Welfare
Former Chairman, U.S. Commission on Civil Rights

Vice Chair

William L. Taylor
Attorney, Washington, DC
Former Staff Director, U.S. Commission on Civil Rights

Members

David P. Barclay
Barclay Consulting Group
Pacoima, CA

Birch Bayh
Bayh, Connaughton, Fensterheim & Malone, P.C.,
Washington, DC
Former U.S. Senator from Indiana
Former Chairman, Senate Subcommittee on the Constitution

William H. Brown, III
Schnader, Harrison, Segal & Lewis,
Philadelphia, PA
Former Chairman, Equal Employment Opportunity Commission

Frankie Freeman
Whitfield, Montgomery & Staples, P.C.,
St. Louis, MO
Former Member, U.S. Commission on Civil Rights
Former Inspector-General, Community Services Administration

Erwin N. Griswold*
Jones, Day, Reavis & Pogue,
Washington, DC
Former Solicitor General of the United States
Former Member, U.S. Commission on Civil Rights

Augustus F. Hawkins
Washington, D.C.
Former U.S. Representative from California
Former Chairman, House Education and Labor Committee

Aileen C. Hernandez
Aileen C. Hernandez Associates,
San Francisco, CA
Former Member, Equal Employment Opportunity Commission

Father Theodore M. Hesburgh
President Emeritus,
Notre Dame University,
South Bend, IN
Former Chairman, U.S. Commission on Civil Rights

William H. Hudnut
The Urban Land Institute,
Washington, DC
Former Mayor, City of Indianapolis

Ray Marshall
The LBJ School of Public Affairs,
University of Texas,
Austin, TX
Former Secretary, Department of Labor

William M. Marutani
Philadelphia, PA
Former Judge, Court of Common Pleas of Pennsylvania
Member, Commission on Wartime Relocation and Internment of Civilians

George V. McGowan
Baltimore Gas & Electric Co.,
Baltimore, MD

Eleanor Holmes Norton
Congresswoman,
District of Columbia
Former Chair, Equal Employment Opportunity Commission

Blandina Cardinas Ramirez
Southwest Texas State University,
San Marcos, TX
Former Member, U.S. Civil Rights Commission

Elliot L. Richardson
Milbank, Tweed, Hadley & McCloy,
Washington, DC
Former Attorney General of the United States

Rabbi Murray Saltzman
Senior Rabbi, Baltimore Hebrew Congregation (retired),
Baltimore, MD
Former Member, U.S. Commission on Civil Rights

Harold R. Tyler
Patterson, Belknap, Webb & Tyler,
New York, NY
Former Deputy Attorney General of the United States
Former Assistant Attorney General for Civil Rights
Former Judge, U.S. District Court, Southern District of New York

Roger Wilkins
George Mason University,
Fairfax, VA
Former Assistant Attorney General for Legislative Affairs
Former Director, Community Relations Service, Department of Justice

**Deceased*

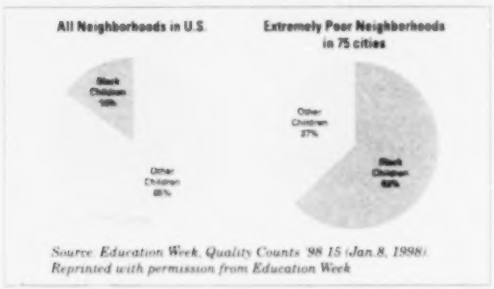
Director and Counsel
Corrine M. Yu

EXECUTIVE SUMMARY

INTRODUCTION, FINDINGS AND RECOMMENDATIONS

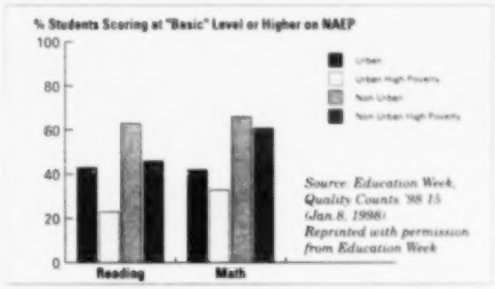
Nearly a half-century after the Supreme Court's landmark decision in *Brown v. Board of Education,* our Nation still has not secured for our least-advantaged children the educational opportunities that *Brown* held were necessary to redress discrimination. While significant numbers of our children have benefitted from desegregation, from the enforcement of other civil rights laws in education, from federal assistance to disadvantaged children, and from federal programs such as Head Start, the barriers to obtaining a good education faced by the minority poor remain imposing.

The greatest barriers are those facing children who live in concentrated poverty, a condition that disproportionately affects black, Latino and other minority children. Children who attend high-poverty schools are often taught by underqualified teachers and generally have less access than others to needed resources and services such as preschool, early reading programs, counseling, smaller class sizes, and professional development for their teachers. High-poverty schools are also beset by low standards and low expectations for their students. As a result of such barriers, these children often perform at low levels and are not reaching their academic potential.



Source: Education Week, Quality Counts '98 15 (Jan.8, 1998) Reprinted with permission from Education Week

There is much evidence that all children can learn and that the public schools serving minority and poor children can be successful in educating students to high standards. What is lacking is a major commitment on the part of educators and public officials at all levels — federal, state, and local — to make educational opportunity for poor children a priority, to provide sufficient resources and deploy them effectively, to insist on high academic standards, and to hold all schools and school districts accountable for results.



Source: Education Week, Quality Counts '98 15 (Jan.8, 1998) Reprinted with permission from Education Week

Through the passage of the Title I program, funded under the Elementary and Secondary Education Act (ESEA), Congress provided a powerful tool for accomplishing all of these goals.

In 1994, the most recent reauthorization of the three decade-old law, Congress substantially overhauled the Title I program to shift the focus from remedial education to high standards and higher achievement. These reforms called for raising academic standards; building the capacity of schools; adopting tests that fairly and accurately measure what children know; assuring accountability by school officials; and ensuring the inclusion of all children, especially those with limited English proficiency and disabilities.

However, the new law, while potent, is not self-executing. Whether disadvantaged children will reap its benefits depends largely on the extent to which officials at every level carry out their respective obligations. But, while the success of reform efforts clearly depends on what happens in states, local districts, and individual schools, the ground rules under which these entities act are crucial. The wellspring of equality of opportunity in education has always been the national government, responding to the unmet needs of minori-

ties and other disadvantaged children through the Fourteenth Amendment, the modern civil rights statutes, and aid to education laws. That is why, in the view of the Citizens' Commission on Civil Rights, the education policy decisions to be made at the national level over the next few years are critical.

Much rides on the effectiveness of Title I, the largest federal program, in stimulating and contributing to efforts to reform public education. In this report, part of a larger study that will include an examination of Title I implementation in selected districts and schools, we assess the extent to which the policies and enforcement practices of the U.S. Department of Education have fulfilled — or in some cases, thwarted — the promise of the new law with respect to our poorest children. Our study is organized around five broad sets of questions germane to whether the 1994 Title I reforms are having their intended impact on improving the achievement of disadvantaged children:

- Are high **standards** being set for all children?
- Is the attainment of these standards being measured with **assessments** of student achievement that are fair, accurate, and shared with parents and the public?
- Are school districts and schools that receive Title I dollars held **accountable** for making substantial and continuous improvements in student performance?
- Do states, districts, and schools ensure that teachers have the **capacity** (i.e., the knowledge, training, and resources) they need to provide all students with the opportunity to achieve at high levels?
- Is there evidence that the **reforms can work**, i.e, examples of successful schools, districts, and states making progress toward achieving higher standards?

With respect to the central question — whether Title I is making a difference for poor and minority children — the Citizens' Commission's short answer is ***yes,*** Title I has made some difference to poor and minority children, but ***no,*** Title I has not made enough of a difference to close the persistent achievement gaps between poor and non-poor, and minority and non-minority students. The shortcomings of the program flow in large measure from the failure of federal, state and local officials to heed the call of the new law to renovate and reform the educational system.

More specifically, there is wide variance in the degree to which states have complied with the requirements of the new Title I. From our review of state plans and other pertinent material, the Citizens' Commission concludes that a number of states have embraced the principles that all students should be expected to meet high standards and that all those who operate public schools should be held accountable for achieving this goal. Other states embrace these principles in general, but have not applied them to benefit economically disadvantaged students. Still other states have yet to adopt standards-based reform.

The federal government's failure to take the actions needed to implement and enforce the new Title I has also retarded educational progress. The Clinton Administration certainly deserves credit for its steadfast support for public schools and for directing public attention to the need for educational improvement. With respect to Title I, the U.S. Department of Education ("the Department") has taken some positive action to further the specific purposes of the new law, providing general information and guidance about its aims, prodding states to upgrade their procedures for identifying schools in need of improvement, and recommending to Congress greater targeting of funds to poor areas. But the Department has shrunk from furnishing clear messages to state and local education agencies on any issue that might prove controversial.

Because of this reluctance by the Department, many state and local education officials have received the impression that the new Title I is largely a deregulation law that will free them from bothersome federal conditions, and have failed to understand that the tradeoff in the law is higher standards and accountability for results.

Most significantly, the Department has failed to implement or has misinterpreted key provisions of the law that are designed to equalize learning opportunities between poor and non-poor children:

- Contrary to the law, the Department has limited the requirement of standards and assessments for Title I purposes to two subjects — reading and mathematics — even when states have standards and assessments in other subjects.
- Contrary to the law, which requires states to adopt uniform standards, the Department has permitted states to accept differing local standards without any effective means for assuring that all children will be called upon to meet high standards. Similarly, the Department has permitted states to use differing local assessments, again without any effective assurances of comparability.
- Ignoring the law, the Department has failed to insist that states reveal how they will assist local districts and schools in achieving the capacity to help students meet high standards. As a result, few states have made a substantial commitment to helping low-income districts acquire the resources to improve teaching, increase learning time, or meet other requirements of the law.

Cumulatively, these defaults and misinterpretations of the law by the Department have served to undermine a central objective of the new Title I: to eliminate the dual system that prevails in American education and that consigns poor children, children of color, and children with special needs to schools and programs with lower expectations, lower standards, fewer resources, and fewer opportunities than those enjoyed by the great majority of advantaged children.

Progress has been further retarded because the Department has failed:

- to adopt, in a timely way, criteria for determining whether states have demonstrated their content standards meet the requirements of the law;
- to insist on timely adoption by states of performance standards for gauging proficiency, and to reject plans lacking even an approved process for developing performance standards, with the result that as of the summer of 1998, thirty-one states and Puerto Rico had no standards or process for developing them;
- to explicate the statutory requirement that children be assessed in the language most likely to yield accurate information about their knowledge and skills;
- to require states to measure separately the annual yearly progress of poor children and children with limited English proficiency so that the requirements of the law cannot be met solely by the gains of more advantaged children;
- to insist on processes for assuring that children with disabilities will receive accommodations and will only be excluded from assessment in rare circumstances;
- to make clear to states and local education agencies that Title I assessments are not to be used for high stakes purposes; and
- to place sufficient emphasis on the importance of improving teaching through thoughtful programs of professional development.

Despite these multiple failures of the Department of Education to implement the new Title I, there is every reason to believe that the program can be successful in the future.

The new Title I reforms, while still in midstream, are sound and workable. Evidence of their positive impact is accumulating in states that had similar standards-based reforms in place before 1994, and in areas that have acted rapidly to implement the 1994 reforms.

The experience of several states and districts in raising standards, in adopting new learning strategies, in fashioning more useful assessment tools, and in creating practical accountability systems, has already yielded positive results in the improved achievement of

disadvantaged children. In these places, Title I dollars are helping to carry out well-conceived reforms. Prospects for further gains will be enhanced by modest improvements in the statute, a commitment by the Clinton Administration to implement the law, and a willingness to enforce its requirements where violations occur.

In criticizing the Department, the Citizens' Commission does not suggest in any way that state and local officials have done their part to effectuate the purposes of the law. Indeed, the Citizens' Commission's review of state plans suggests that for all their rhetoric about education reform, many state officials have failed to heed the call of the new law to ensure that poor and minority children reap the benefits of standards-based reform. Moreover, after gladly accepting the changes in the law devolving significant responsibility from the federal to state governments with respect to ensuring improved outcomes, the states' behavior suggests that many may not be up to the hard work such responsibility entails.

Nor should Congress' role in holding back progress be under-emphasized.

At a time when many in Congress are promoting the devolution of federal power and responsibility to state officials, the failure to appropriate sufficient funds to assist states in handling their growing public education responsibilities is particularly troubling.

With new calls in Congress to convert Title I into a "block grant" to states, and to siphon off substantial portions of the appropriation for experiments like voucher programs for private schools, the stakes for the future of public education have risen. While it is certainly possible for some schools to improve without Title I, we believe there will be little hope for many high-poverty schools without the strong intervention, support, and accountability measures contemplated in the federal law.

Accordingly, the Citizens' Commission recommends that Congress ratify the principles of standards-based reform contained in the 1994 amendments by reauthorizing the Title I Act for at least five more years. Congress should also take the following additional steps to improve the capacity of schools and school districts in areas of concentrated poverty to meet the challenge of helping all their students reach high standards:

- Enact programs, appropriate funds, and encourage corporate and state education leaders, so as to attract the most able people to teach in high-poverty areas.
- Improve the skills of the teachers through enhanced opportunities for professional development.
- Direct more resources to schools with high concentrations of poverty.

The Citizens' Commission also recommends that the President and the Secretary of Education announce the resolve of the Administration to implement and enforce Title I to secure its primary purpose — equalizing the learning opportunities available to poor and non-poor children. To that end, they should direct federal officials to take the following steps:

- Ensure that states hold all children to the same high standards and use the same assessment tools to measure their progress.
- Ensure that states and school districts make a broad and challenging curriculum available to all children.
- Insist that states carry out the statutory mandate to set forth a program for assisting local districts and schools in achieving the capacity to help students meet high standards.
- Insist that children with limited proficiency in English and children with disabilities be served in Title I programs and be included in assessments with needed accommodations.
- Ensure that states provide meaningful remedies for children who are trapped in failing schools or school systems.

- Insist that the governors and other state and local education leaders act on their rhetoric, and uphold the letter and spirit of the law.

It would be unwise to overestimate the likely impact of standards-based reform on our public schools. The history of public education is littered with reforms that were offered as panaceas, yet failed to achieve their promise. But there are also strong reasons not to abandon, in midstream, initiatives like the new Title I that give evidence of succeeding. No other set of proposals is truer to the unique American vision of common schools where all children are offered the means to achieve their full potential. For those who believe in what all children can achieve, this is a time to speak for their futures.

FEDERAL AID TO EDUCATION: THE CONTINUING NEED AND THE VARYING RESPONSE

Forty years after *Brown v. Board of Education*, separate and unequal schooling persists for poor and minority children.

Conditions of inequality include:

- concentrated poverty, which depresses achievement of all students in schools where at least half of the students are eligible for subsidized lunch, and seriously depresses test scores when more than 75% of students live in low-income households;
- unequal resource distribution, which prevents many high-poverty school districts from funding such vital services as preschool programs, early reading programs, reduced class size, counseling, parental involvement programs, and professional development;
- low standards and low expectations, which are reflected in watered-down curricula in high-poverty schools;
- underqualified and inexperienced teachers who cannot cope with the complex educational needs of their students;
- practices such as tracking and retention in grade, which persist despite evidence that they have very limited educational utility and often have harmful consequences.

Although public education is a largely a state and local concern, the Fourteenth Amendment calls upon the federal government to assure equality of opportunity in public education. Other provisions of the Constitution, such as those calling for a common defense and promoting the general welfare, establish a national interest in a strong educational system. The national interest in education has been manifested for the past three decades primarily through the civil rights laws and through Title I, an $8 billion program that now serves nearly 10.5 million students in some 50,000 schools. Significantly:

- Title I is one of the largest early-education programs in the nation.
- Title I employs more than 189,000 teachers, reading specialists, instructional assistants, school nurses, counselors, and social workers.
- Title I serves more children with limited English proficiency than the federal bilingual assistance program.

While the federal share of educational expenditures is small (less than 7%), Title I has helped to narrow the gap in education revenue that exists between high- and low-income areas because of inequities in state school financing systems.

There is also evidence that the program has been effective in teaching basic skills, and in ameliorating, to a degree, the persistent achievement gaps between white and minority students. During the 1970s and 1980s, black and Latino students made encouraging educational progress, with gains that closed almost half the gap between their levels

of achievement and those of white students. Without the Title I program, these achievement gaps likely would have been greater.

Nevertheless, the academic progress of poor children has been limited. Evidence drawn from schools operating under the old law (then called Chapter 1) showed that the law was not fully effective because: (a) it was designed to teach only basic, not advanced, skills; (b) it was based on and ratified low expectations of poor and minority youngsters; and (c) it isolated these youngsters from the mainstream by pulling them out of the classroom for remediation.

In 1988, a new quality focus was added to the program. For the first time, the law required recipients to demonstrate that Chapter 1 programs would support instruction in advanced as well as basic skills. Nonetheless, as several evaluations of the program found, many recipients simply ignored the new requirement.

In 1994, Congress completely overhauled the law in the Improving America's Schools Act (the IASA), reauthorizing Chapter 1 (now Title I), and other ESEA programs, for a five-year period.

The IASA contained many of the major changes recommended by education and civil rights advocates to ensure that Title I and other federal funds would be used by state and local education agencies to undertake meaningful reforms that would result in substantial academic gains for poor and minority students.

THE OLD TITLE I vs. THE CURRENT TITLE I

Old Title I:	Current Title I:
Different standards for different groups of children	Same high standards for all children
Lower expectations for poor and minority children	Same high expectations for all children
"Dumbed-down" curricula for Chapter 1 children	Same challenging curricula for all children
"Basic skills" tests that compare students to each other, not to any objective standards	Higher level tests that measure students' progress toward standards
Tracking, along with separate, pull-out instructions away from the regular classroom and classmates	Rich instruction and support in the classroom; extra help after school hours
Little training for teachers and aides	Investment in high-quality staff development for teachers and aides
Detailed accounting for dollars	Accountability for results
Successful schools lose money, failing schools continue to fail	Recognition for successful schools; help—then corrective action—for schools that continue to fail

Sources: Title I, 20 U.S.C.A. § 6301 et seq. (Supp. 1998); Commission on Chapter 1, Making Schools Work for Children in Poverty (1992)

Taken together, the 1994 amendments amount to a major agenda for education reform that can benefit poor and minority children. Title I now requires that states and school districts receiving funds:

- Set **high standards** that all students, including low-income and limited-English proficient students, must meet in all subjects.

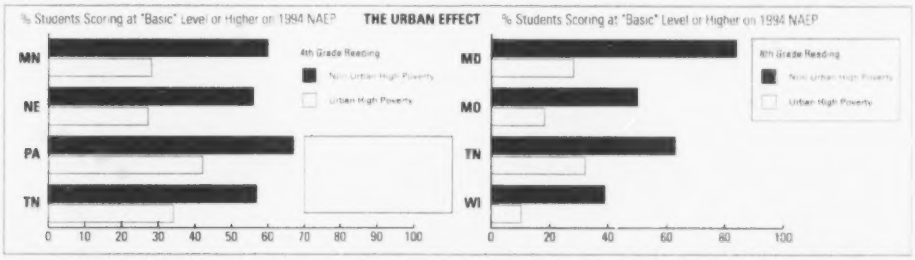
- Develop **new assessments** that measure the progress of students, schools, and school districts in meeting high standards.
- Hold school districts and individual schools **accountable** for showing continuous improvements in student performance, until all students achieve at high levels;
- **Target resources** to schools and districts with the highest concentrations of children from low-income families.
- Encourage **schoolwide improvements** in schools where more than half the children are from low-income families.
- Ensure that eligible schools and districts have the **capacity** to teach to high standards, including adequate **professional development**, and, where necessary, the provision of extra resources to needy schools.

STANDARDS

The standards and expectations set for students in high-poverty schools, as well as for those assigned to lower tracks of other schools, are lower than those set for other students.

The result of these low expectations is most visible in central cities, highly segregated by race and income, where student achievement lags far behind that of non-urban schools.

Poor, African American and Latino students are less likely to be enrolled in college preparatory courses, and may be "tracked" or steered away from more rigorous courses such as Algebra.



Source: Education Week, "Quality Counts '98," 12 (Jan.8, 1998). Reprinted with permission from Education Week.

Moreover, in a number of urban schools systems, students year after year fall further and further behind. The longer the students remain in the system, the greater the achievement gap.

THE LAW

Responding to pervasive evidence of low standards and expectations, Congress rewrote the Title I statute to require an entirely new approach. First and foremost, to receive Title I funds, states are required by law to demonstrate to the Department that they have adopted challenging academic standards. Following on the heels of standards, states are required to develop or adopt new assessments to measure attainment of the standards. Finally, states are required to establish systems, based largely on the results of these assessments, for holding schools and school districts accountable for meeting the standards.

The standard-setting provisions of Title I requires each state to develop by the 1997-98 school year:

- **Content Standards** spelling out what the state believes all children should know and be able to do in each subject; and
- **Performance Standards** describing the different levels of proficiency that students demonstrate (usually on a standardized test) with respect to the knowledge and skills set forth in the content standards. Title I requires that states describe at least three levels of performance: "advanced," "proficient," and "partially proficient."

THE REALITY

But the new law's commitment to high standards for all children soon hit a roadblock in implementation. Shortly after President Clinton signed the Improving America's Schools Act of 1994 — a law that was largely the brainchild of his Administration — the 1994 midterm elections shifted the balance of power in Congress. The new Republican majority in Congress began promoting a variety of legislative initiatives to diminish the federal role in domestic programs.

The Clinton Administration, almost immediately after the election began to exhibit reluctance to tell state and local authorities what was expected of them under the new law, or to implement key provisions of the law that were designed to equalize learning opportunities for poor and non-poor children. In the end, delays in implementation, faulty interpretations, and breaches in enforcement of the law became the order of the day.

The new law's intent was to transform Title I from a remedial reading and math program into one that assisted schools serving poor children to improve the achievement of students in a broad range of challenging academic content. The Department took a different view. In proposed and final regulations, the Department limited the requirement of standards and assessments for Title I purposes to two subjects — reading and mathematics — even when states had standards and assessments in other subjects.

This narrow view threatens to undermine efforts to bring high standards, and aligned curriculum and instruction in subjects like science and social studies, to high-poverty schools. Experience demonstrates that when subjects are not counted in the accountability equation, their teaching is neglected. Several advocates and civil rights organizations have warned the Department that its policy will send a message that while these subjects are important to more affluent children, reading and mathematics are good enough for the poor.

In another break with the letter and spirit of the new law, which requires states to adopt uniform standards, the Department decided to permit states to accept differing local standards, without any effective means for ensuring that all children would be called upon to meet high standards. The enduring message of the Department's non-regulatory policy guidance on this subject is that states are free to allow dual standards, thereby allowing districts with high proportions of poor and under-achieving students to expect less of their students.

How states described to the Department their plans to comply with the standards requirements is revealing. The Improving America's Schools Act of 1994 permits states, for the first time, to file a "consolidated state plan" containing their plans for all federal programs (with a few exceptions), including Title I. The Department approved all state plans by the statutory deadline (July 1, 1996). But it determined that only five plans (for Arizona, Kansas, Minnesota, New York, and South Carolina) could be fully approved as having met all the statutory requirements. For the great majority of states, the Department found some deficiency in need of correction, with respect to Title I or other programs in the plan. Forty-six state plans therefore received "conditional" approval, and were required to take corrective action.

As of January 1998, forty-three states had content standards in mathematics, and forty-two states had content standards in English language arts. The remaining states either had no content standards or had not completed work on them.

There was little consistency in what states included in their plans, and in most cases, the Department had no idea whether the standards referred to in plans complied with the law. Complicating matters was the fact that while states are required by law to demonstrate that they have adopted challenging standards, the statute prohibits the federal government from requiring states to submit their actual standards for review. Although the Department eventually published guidance setting forth some criteria for acceptable evidence of challenging standards, it came too late to be useful in the plan approval process.

Furthermore, the requirement to include performance standards was often overlooked in the plan review process. Ultimately, the Department approved many state plans that lacked the required description either of performance standards or the process the state would use to develop them, in some cases, even after the Department's own peer reviewers had noted these deficiencies.

Recognizing a need to rectify this situation, in June 1997, nearly one year after it had approved state plans, the Department sent identical letters to a majority of states requesting them to submit evidence that performance standards had been developed. Also in this letter, the Department finally clarified that:

- performance standards were to be aligned with the state's content standards;
- performance standards were to describe at least three levels of performance (advanced, proficient, and partially proficient); and
- cut scores on transitional assessments (e.g., percentiles on norm-referenced tests) likely would not satisfy Title I's requirements in that they would not normally be aligned with a state's content standards.

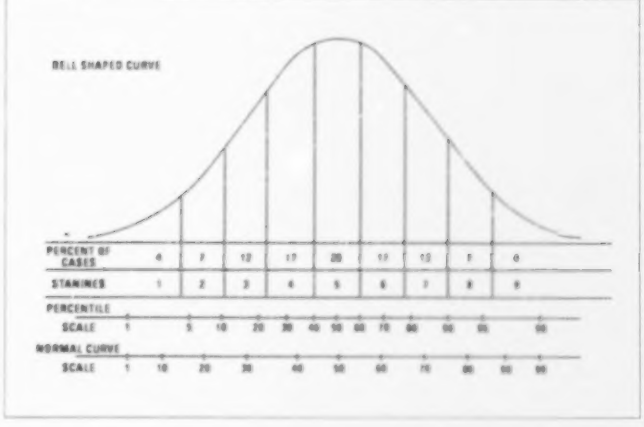
By the end of October 1997 (the beginning of the 1997-1998 school year), the Department's Standards and Assessments Team reported to the acting Under Secretary that only seventeen states had met the statute's requirements for developing content and performance standards. The Department solicited and granted requests for waivers of the performance standards deadline for nineteen states. More recently, as of July 20, 1998, the Department had approved twenty states' (the seventeen noted above, plus three more) and Puerto Rico's strategies and timetables for the development of performance standards. Thirty-one states were still without an approved process for developing performance standards. Despite the Citizens Commission's requests, the Department has declined to provide the underlying documentation upon which these approvals were based.

ASSESSMENTS

Prior to 1994, norm-referenced, standardized tests of basic reading and math skills were widely used by school districts to select children to participate in what was then known as the Chapter 1 program and to evaluate the program's effectiveness, among other purposes. In the years leading up to the 1994 reauthorization of Chapter 1/Title I, however, these tests were criticized on grounds that:

- they provided only limited information on student attainment because they measured only achievement of basic, not advanced skills;
- the results were reported in ways that simply compared test-takers with each other, rather than reflecting the progress they had made in learning what they should know;
- the results were used, in effect, to reward schools that continued to fail to educate children because Chapter 1 school eligibility rules made low achievement a major factor in allocating funds; and
- the tests "dumbed down" instruction and stood in the way of high standards.

Source: The Riverside Publishing Company



The new assessments called for by Title I are far different from what has previously been used to measure student learning. For one thing, the assessments will measure what a student knows against a standard that specifies what he or she is expected to know, rather than comparing one student against another on a bell-shaped curve. For another, the standards will themselves often call for

students to demonstrate knowledge and skills needed to live and work in a much more complex society. Thus, the forms of these new assessments are expected to be rich and varied, relying less on multiple-choice, "fill-in-the-bubble," items, and incorporating student writing, constructed responses, portfolios, and other measures of students' ability to solve problems and demonstrate understanding of complex subject matter. Finally, in a significant break from past practice, assessments should include important core subjects beyond reading and mathematics, such as social studies and science.

These new forms of assessment are an essential element of the new law's theme of standards-based reform. Without an accurate means of measuring what students know and can do, responsible school authorities have no way of gauging whether students are reaching high standards. And without such an accurate gauge, schools and school districts cannot be held accountable for results. Accurate assessment tools, then, are the glue that holds the reform effort together.

THE LAW

The new Title I requires states, by the 2000-01 school year, to adopt and use new assessments aligned with the high academic standards the law also mandates. During a transitional period, while new assessments are being developed and piloted, states are required to continue to test students for Title I accountability purposes. This grace period enables them: (a) to develop the high content and performance standards required by the law; (b) based on those standards, to make the necessary changes in their curricula; and (c) to develop and refine a more advanced and sophisticated assessment system than that which most states currently have.

While states are required to employ assessments during the transitional period that measure "complex skills and challenging subject matter," the statute attaches few other requirements to Title I transitional assessments.

Final Title I assessments, however, must meet the following requirements:

- **Alignment with State Standards and Reforms.** Title I assessments must be aligned with the state's own content and performance standards. If a state already measures the performance of all students in reading, mathematics or other subjects, it must use the same state assessments for Title I purposes.
- **Grade Levels Assessed.** The tests are to be administered at least once in grades 3-5, in grades 6-8, and in grades 9-12.
- **Individual Student Scores.** Tests must provide individual scores or reports of student progress.
- **Inclusion of Limited-English Proficient, Disabled, and Mobile Students.** All students must be included in Title I assessments, without exception.

  Limited-English proficient (LEP) students must be assessed to the extent practicable, in the language and form most likely to yield accurate and reliable information about what such students know and can do, to determine such students' mastery of skills in subjects other than English. Appropriate accommodations are also required, such as extra time, allowing the use of a dictionary, or providing simplified directions. Title I places a duty on states to provide linguistically appropriate assessments, and if such assessments are not available, to make every effort to develop such assessments. The Department's Office of Bilingual Education and Minority Languages Affairs is required to assist states in locating appropriate assessment measures in needed languages.

  Disabled students must receive reasonable adaptations and accommodations so that their achievement can be measured relative to state standards. These accommodations may include extended time, modified presentation of the test (e.g., in Braille), clarified test directions, use of assistive devices, or a change in the setting of the test.

  Mobile students who change schools during the school year also

must be included in Title I assessments if they remain in the school district. Their scores will not count in the accountability equation for any individual school they have attended, but will count for purposes of gauging the progress of the district as a whole.

- **Disaggregation.** Test results must be disaggregated by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged. States are charged with enabling results to be disaggregated within the state as a whole, within each school district, and within every school.
- **Uses of Title I Assessments.** Assessments must be used for the purposes for which they are valid and reliable according to professional psychometric standards. Therefore, using the assessments as a major criterion for high-stakes decisions for individuals (e.g., promotion or graduation) will be inappropriate in many cases, unless the test is validated for that purpose.
- **Local Assessments.** School districts are allowed to supplement statewide Title I assessments with additional measures, provided they are not used as a substitute for final statewide assessments, or to thwart the purposes of a statewide accountability system. For example, districts may wish to assess students in grades or subjects not included in the state assessment system, or for student diagnostic purposes.

THE REALITY

The Citizens' Commission's investigation uncovered critical deficiencies in the Department's interpretation of the assessment requirements of the new law. The end result was the approval of many state plans that were legally inadequate.

For example, the Department did not require states to spell out their plans for full inclusion of LEP and disabled students in the assessments, including their plans for appropriate modifications and accommodations. Nor did the Department require states to describe how they would provide for the disaggregation of assessment results by race, gender, poverty status, English proficiency status, and other categories spelled out in the law.

Moreover, the Department did not provide sufficient direction to its peer reviewers and staff members charged with reviewing and recommending approval or disapproval of these plans. As a result of all of these failures, along with a general reluctance to engage in controversy with states, many plans were approved without the Department even pointing out, much less requiring correction of, their legal deficiencies.

The Department's guidance on transitional assessments was also problematic. That guidance stated that transitional assessments must:

- cover mathematics and reading/language arts, but not other subjects (even if the state has standards in, or currently tests, additional subjects);
- assess the performance of complex skills and challenging subject matter;
- be administered at some time during grades 3-5, grades 6-9, and grades 10-12, and include all children in the grades assessed.

But the Department fell short of requiring other important safeguards and protections, opining in the guidance that "transitional assessments do not need to meet the other assessment requirements of Title I that apply to final assessments." As a result, Title I assessments during the transitional period often resemble those used under the old Chapter 1. The use of traditional, commercially-published tests — the very tests Congress sought to have replaced in the 1994 amendments — remains widespread today.

Indeed, one advocacy organization recently found that in two-thirds of states, assessments were being used to impede genuine education reform because they:

- provide information on a too-limited range of student learning in each important subject area;
- continue to focus too much on measuring rote learning; and
- use a single test as a mandatory hurdle.

The inclusion of LEP and disabled students in transitional assessments was a question on which the Department's guidance was conspicuously silent. Consequently, many states have not explicitly assured the Department they will include such students in transitional assessments.

As with content standards, the Department departed from the text and aims of the assessment requirements of the new law, and acquiesced to demands from certain states that they be permitted to rely on a patchwork quilt of local assessments rather than strong statewide measures of student achievement. Between the fall of 1994 through issuance of final guidance on the subject in the spring of 1997, the Department consistently held (in drafts of regulations and guidance, other written communications, and in public meetings) that, contrary to the law, statewide assessments were not required.

The Department's final Guidance on Standards, Assessments and Accountability issued in March, 1997 gave states the following options:

- Adopt **uniform statewide assessments**, which would become the only basis for defining adequate yearly progress.
- Adopt a **mixed state and local assessment system**, under which states could decide how much weight to accord state and local assessment results in defining adequate yearly progress. States could also exempt individual school districts from participating in state assessments and allow them instead to use their own assessments if the state determined those local assessments met state standards.
- Adopt a **system of purely local assessments**, allowing districts complete latitude to set their own standards and develop their own assessments, provided that the state had criteria against which the local measures could be evaluated.

The Department's decision not to require statewide assessments in the Title I program was strongly criticized by civil rights and other advocates on grounds that allowing local school districts the latitude to use their own tests was likely to perpetuate a dual education system, in which lower standards would persist in high-poverty, high-minority school districts — the very outcome the new law sought to avoid. Experts in the field of assessment and measurement, including the National Research Council's Board on Testing and Assessment, agreed that aligning or assuring the comparability of different assessments was virtually impossible, as a technical matter.

The Citizens' Commission's examination of the state plans submitted to the Department confirmed the seriousness of the Department's retreat on this issue, in that many of the state plans approved by the Department do not appear to comply with the law.

The Department's actions with respect to LEP students also fell short of the mark. The Citizens' Commission found that the Department's policy guidance with respect to assessing LEP students, while not fully addressing the issue, provides some useful assistance to recipients, such as requiring results of final assessments to be disaggregated by LEP status; and stating that standards, curriculum and assessments should be culturally inclusive. But the Department's guidance mysteriously stopped short of an affirmative statement regarding the unambiguous legal requirement that LEP children must be

assessed in content areas other than English. The Department further failed to explicate fully the statutory requirement that LEP students must be assessed, "to the extent practicable, in the language and form most likely to yield accurate and reliable information" about their knowledge and skills with respect to the content. The Citizens' Commission's review of state plans approved by the Department revealed that most states did not come close to meeting the statutory requirements for inclusion of LEP students, with appropriate accommodations, in the state's proposed assessments.

Like LEP students, students with disabilities who attend Title I schools must be considered eligible for Title I services on the same basis as any other students, and must be included in Title I assessments. The Department's guidance with respect to disabled students made clear that:

- disabled students must be included in Title I assessments because they are expected to meet the same high standards as other students;
- "appropriate accommodations" must be provided to disabled students "when necessary to enable [their] participation in the assessments"; and
- only the small number of children whose severe "physical or cognitive limitations prevents them from participating meaningfully in exactly the same assessments as other students, even with . . . appropriate accommodations," may be exempted from the statewide assessment, but even those children's "educational progress" should be measured through "appropriate" alternative measures.

The Citizens' Commission's review of state plans revealed that many state plans made no mention of including disabled students in state assessments. In states that did make some provision for inclusion, the inclusion policy was often vague or unclear.

The Citizens' Commission's review of state plans revealed that many state plans made no mention of including disabled students in state assessments. In states that did make some provision for inclusion, the inclusion policy was often vague or unclear.

Such disaggregated test results enable local educators, parents, state policymakers, and civil rights and child advocacy groups to judge the extent to which all students in the state, and in individual districts and schools, are achieving in relation to the standards in academic content areas. Provisions requiring disaggregation were not recommended by the Clinton Administration; they were added later by the House of Representatives, at the request of members of the Black and Hispanic caucuses and civil rights organizations, and eventually were approved by the Senate.

The Department, however, declined to require any disaggregation during the transition period. As to final assessments, the Department's guidance simply reiterates the statutory language.

Finally, to the Citizens' Commission's knowledge, the Department has engaged in little serious discourse with states, and with its own Office for Civil Rights, in an effort to guard against the inappropriate use of Title I assessments. It is axiomatic among testing experts that tests should not be used for purposes for which they were not designed. It is equally clear that Title I tests are designed to hold school officials accountable and not to impose consequences on students.

Nonetheless, some states are now using, or considering using, their assessments to make educational decisions about students. Many of these decisions, which include withholding high school diplomas, retention in grade, and tracking or placement in low-level classes, may be harmful if not outright discriminatory. Moreover, using tests for high stakes purposes raises a host of issues about whether students have adequate opportunity to learn and whether there is equity in the distribution of resources.

For years, school officials have not expected high-poverty schools to produce results — and therefore they have not. Despite widespread lip service to the proposition that "all children can learn," high-poverty schools persistently have failed, and continue to fail, to reach even the most basic levels of proficiency on national achievement measures. For years, the old law contributed to schools' failure by codifying low expectations for students and schools participating in the program.

Until 1988, the law, then known as Chapter 1, required accountability only for finances, not for student achievement. In a significant break with the past, the 1988 amendments to Chapter 1 introduced the concept of accountability for student outcomes for the first time in the history of the program by requiring review, evaluation, and improvement in student achievement.

But this first attempt at accountability had only modest success, largely because states set the outcome standards for Chapter 1 schools too low and there were few, if any, consequences for failing to meet these standards. Further, the Chapter 1 law retained a perverse incentive for schools to maintain low test scores: school eligibility was determined on the basis of low achievement, not student poverty levels. Thus a school that actually was successful in raising test scores risked losing its federal funds.

THE LAW

The new Title I law, as reauthorized in 1994, contains stronger requirements for both school and district accountability. When carried out in conjunction with other Title I requirements for enhanced capacity-building in participating schools, and for fair, accurate assessments, these accountability measures provide incentives to help failing schools, and, if those incen-

SCHOOL AND DISTRICT ACCOUNTABILITY: TIMELINE OF THE IMPROVEMENT PROCESS

	Year 1 (1995-96)	Year 2 (1996-97)	Year 3 (1997-98)	Year 4 (1998-99)	Year 5 (1999-2000)	Year 6 (2000-01)
Schools already in program improvement for 2 consecutive years prior to '95-96 school yr	Technical assistance & optional corrective actions	=>	Required corrective actions for schools still not making adequate progress	=>	=>	
		=>		=>	=>	
		=>		=>	=>	
All other schools	Failure to make adequate progress	=>	Identification of school.	=>	Required corrective actions for schools still not making adequate progress	
		=>	Technical assistance & optional corrective actions	=>		
		=>		=>		
Districts	Failure to make adequate progress	=>	Identification of school.	=>	=>	Required corrective actions for schools still not making adequate progress
		=>	Technical assistance & optional corrective actions	=>	=>	
		=>		=>	=>	

Source: U.S. Department of Education, Title I, Part A Policy Guidance: Standards, Assessments, and Accountability 83 (March 1997).

tives do not succeed, call for corrective action.

Under the new Title I, states must develop and implement comprehensive systems of accountability for all Title I schools. These accountability systems must be based on state standards, and assessments aligned with those standards. During the transition period (1995-2000), states must identify failing districts, and each district must identify failing Title I schools. States and districts must then take concrete steps to improve these identified districts and schools. This transition period is at least as important as the period to follow, when states have final accountability systems in place. For many children served in this program, the final accountability system will be installed too late for them to reap any benefits; for these children, only improvement measures taken during the transition period will matter.

Final accountability systems must be fully implemented by the 2000-01 school year at the latest. While the law allows each state to design its own system, aligned with its own state standards, assessments and reform efforts, the following key elements must be included to ensure a viable accountability system and meaningful school improvements: (a) adequate yearly progress; (b) public engagement; (c) identification and help for schools in need of improvement; (d) corrective action; and (e) requirements for state plans.

The key to an effective accountability system is a determination, and public statement, of the gains expected of students, schools, and school districts. Using both its performance standards and its final assessment, each state must devise its own definition, within the parameters set by federal law, of what constitutes "adequate yearly progress" (AYP) for schools and school districts receiving Title I funds. The law requires that AYP be defined in a manner that:

- "result[s] in *continuous and substantial, yearly improvement*" of each Title I district and school "sufficient to achieve the goal of all children served under ... [Title I], meeting the State's proficient and advanced levels of performance, particularly economically disadvantaged and limited-English proficient children;" and
- "links progress primarily to performance on ... [state] assessments ... while permitting progress to be established in part through the use of other measures," such as dropout, retention and attendance rates.

To be "sufficient to achieve" the goal of moving all, or virtually all, participating students to the proficient and advanced levels of performance within some reasonable time period means that the definition of AYP will need to require different rates of progress for different students. For example, a rate of progress that applies equally to all students will not enable poor and LEP students to narrow or close the achievement gap between themselves and their more economically-advantaged, English-speaking peers. To be "substantial," the amount of expected progress should be much more than minimal. To be "continuous," schools should make progress toward increasing the proportion of their students who are achieving at higher levels and decreasing the proportion of students who are achieving at lower levels. In addition, the law contemplates that the requirements of AYP will be satisfied only if a district or school makes such progress for disadvantaged and limited-English proficient students as well as for the student body as a whole.

Title I requires that all schools have accurate information available about how the school as a whole and children in particular grades, subjects, and demographic groups, are performing. Results of annual reviews by states of districts' performance, and by districts of schools' performance, as well as disaggregated assessment results, must be disseminated to the districts, teachers, other staff, parents, students, and the community.

Based on the definition of AYP, and using the publicly available results of assessments and other measures, Title I requires districts to identify schools in need of improvement, and states to identify districts in need of improvement. The new law requires districts to then provide capacity-building assistance to schools in need of improvement.

Similarly, states must provide districts identified for improvement with extensive help and assistance. Title I also mandates additional professional development for schools identified as in need of improvement.

Additional remedial measures, termed "corrective actions," are required when schools or districts, despite intervention, continue to fail. These actions, which must be consistent with state law, may include:

- withholding funds;
- revoking a school's authority to operate a schoolwide program;
- decreasing decision-making authority at the school level;
- making alternative governance arrangements, such as the creation of a public charter school or appointing a receiver or trustee in cases of districtwide failure;
- reconstituting the school or district staff;
- authorizing students to transfer to other public schools within the district, or if necessary, to transfer between districts, and covering those students' transportation costs; or
- abolishing or redistricting a school district.

The law also requires each state to spell out its core accountability provisions in the state plan reviewed by the Department. Each state plan must:

- contain a definition of adequate yearly progress for schools and districts that meets the requirements of federal law; and
- provide a description of any transitional accountability measures to be used, including transitional assessments and plans to hold schools accountable for the results of those assessments.

THE REALITY

In the Citizens' Commission's view, given the new law's emphasis on inclusion, the most important consideration in reviewing states' Title I accountability proposals should be whether progress will be expected for all children, or for just some children, and whether the progress will be achieved in a timely way. Recognizing the need for monitoring progress, the Department, in its instructions on preparing state plans, outlined non-binding criteria asking:

- how the state would review the progress each year of each school district receiving Title I funds in order to ascertain the progress of Title I schools toward achieving the state's student performance standards; and
- what criteria should be used to identify districts that are deemed not to be making adequate progress.

To its credit, the Department made accountability a priority in considering proposed state plans. Failure to describe sufficient measures to identify schools and districts for improvement during the transition period was the number one reason many states received only conditional approval of the Title I component of their plans. In addition, the Department has worked closely with state education officials and technical experts to craft sound accountability measures and has issued helpful guidance spelling out the requirements of the law.

Regrettably, much of the Department's enforcement to date of Title I's accountability requirements has glossed over the widespread propensity of school officials to maintain and tolerate a permanent underclass of low-achieving students who are disproportionately poor and minority. In some cases abetted by policy guidance issued in conflict with the law, and in other cases in spite of its own helpful guidance, the Department has approved scores of accountability provisions in state plans that do not conform with the new

law. In large measure, these deficiencies will permit, and in some cases exacerbate, dual standards within states, within districts, and even within individual schools, for advantaged and disadvantaged students.

Specifically, these deficient components of state accountability systems:

- indicate that in many cases, the state had failed to develop in approved plans a credible strategy for holding schools accountable and for taking corrective action against chronically under-performing schools during the transition period;
- permit school districts to set their own definitions of how much progress will be acceptable, rather than adhering to a high, statewide measure. Uniform accountability systems are required by the law and are needed to assure fundamental fairness in meting out rewards and sanctions. In addition, uniform accountability is needed in the face of significant locally-based pressure in many school systems (particularly high-poverty, low-achieving districts) to move slowly and to dilute performance standards;
- contain few or no provisions and safeguards to ensure LEP and poor children also make adequate progress toward achieving the standards. For example, despite statutory language, neither early drafts of the Department's policy guidance nor its plan approval criteria required states to specifically include poor and LEP students in their definitions of AYP;
- set a single, absolute cut-off point for adequate progress instead of requiring continuous improvement, thereby permitting schools to continue to fail to adequately educate the many Title I children who score below the cut-off;
- require rates of progress that are so low that many children will not be expected to reach proficiency, and fewer still will attain advanced skills, within a reasonable time;
- provide no description or explanation of the criteria for identifying school systems in need of improvement; and
- are so vague that it is difficult to determine how states will apply them or what they would accomplish.

Given that most state plans provide little or no guidance for identifying districts in need of improvement, it is not surprising that few states have, in fact, completed the identification process. A preliminary review of states' initial Title I performance reports for the 1996-97 school year shows the following:

- Many states have not yet identified districts needing improvement, including **Alaska, Colorado, District of Columbia, Indiana, Ohio, Oregon, Rhode Island, South Carolina, and South Dakota.** Some of these states are still in the process of identifying schools in need of improvement and cannot identify districts until that process is complete. Others reported that they would not begin the identification process until the 1997-98 school year.
- Some states, including **California, Georgia, New Hampshire, New Mexico, Vermont,** and **Washington,** left blank the portion of the report requesting the number of districts identified for improvement. For these states, it is unclear whether their identification process is incomplete, or whether they concluded that no district needs improvement.
- Several states, such as **Alabama, Florida, Maryland, North Carolina, Utah,** and **West Virginia**, concluded that none of their districts should be identified for improvement.

For those states which, as the law requires, have identified districts in need of improvement, Title I requires states to give those districts technical assistance.

We note, however, that after state plans had been approved, and following draft guidance permitting a local option, the Department did issue final guidance indicating that the state must define adequate yearly progress. Nevertheless, the damage had been done.

The Department's vacillation and prolonged delay in issuing final guidance consistent with the law sent the wrong message to states, and undermined the statutory goal of state-wide accountability measures to increase all students' achievement. The final guidance was a small improvement over earlier drafts, in that it encouraged, but did not require, states to hold districts accountable for the progress of poor and LEP students, not just for overall progress. To the detriment of LEP children, the guidance provided too little, too late: it failed to require full inclusion in the accountability system, and it was added long after state plans were submitted and approved.

CAPACITY-BUILDING

Under Chapter 1, many high-poverty schools lacked the capacity to provide an adequate education. In states with inequitable school financing systems, schools in poor areas often did not have the means to provide basic educational services that would have made a difference for disadvantaged students — services such as preschool and other early childhood programs, all-day kindergarten, reading programs in the early grades, small classes, and trained teachers. The Chapter 1 allocation often did not even come close to mitigating the spending gap between such schools and the state's well-funded suburban and other more advantaged schools. In addition, few educators seriously believed that the average of twenty to twenty-five minutes per day of instruction typically provided in a Chapter 1 pull-out program could begin to compensate for the deficiencies often found in schools' regular programs. Without improved capacity, many questioned the ability of Chapter 1 to work any significant improvement in educational outcomes.

The Commission on Chapter 1, an independent commission created to recommend improvements in the Chapter 1 program, and other advocates called on Congress to include a comprehensive package of "help and capacity-building" measures in the 1994 reauthorization. Their specific recommendations included:

- a set-aside of 10%-20% of each school's allocation for professional development;
- an enhanced state role in developing school capacity;
- bonuses for teachers certified by the National Board for Professional Teaching Standards who teach in high-poverty schools; and
- "opportunity to learn" standards to ensure schools had the resources needed to enable students to master new, higher academic standards. These resources would include up-to-date books and technology, a challenging rather than a "dumbed-down" curriculum, instructional strategies that worked with children of diverse backgrounds, teachers who were certified in their field, and reasonable class sizes.

THE LAW

A number of important proposals to equalize learning conditions in poor and non-poor schools did not survive the reauthorization process. For example, Congress ultimately rejected proposals to include "opportunity to learn" standards in Title I. Nonetheless, the new Title I law does contain, for the first time, three sets of provisions which, if carried out, should bring about real improvements in the quality of education provided in many participating schools. These are: an explicit state duty to help build school capacity; provisions for professional development; and state support for schoolwide programs and schools in need of improvement.

Title I now requires each state, in its plan to the Department, to describe:

"(A) how the State educational agency will help each local educational

agency and school affected by the State plan develop the capacity to comply with each of the requirements of . . . this title [relating to school improvement, components of schoolwide programs, and components of targeted assistance programs,] that is applicable to such agency or school; and
(B) such other factors the State deems appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State."

SCHOOLWIDE CAPACITY REQUIREMENTS

The breadth of states' capacity-building responsibilities is illustrated by how they must help local educational agencies comply with schoolwide program requirements. Under ESEA § 1114(b), schoolwide program components include, but are not limited to:

- "effective instructional strategies . . . that . . . increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum";
- strategies that "address the needs of all children in the school . . . which may include . . . counseling, pupil services, and mentoring services; . . . college and career awareness and preparation . . . job placement services, and innovative teaching methods which may include applied learning and team teaching strategies";
- "[i]nstruction by highly qualified professional staff";
- "professional development for teachers and aides, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards";
- "[p]lans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs"; and
- "[a]ctivities to ensure that students who experience difficulty mastering any of the standards required . . . during the course of the school year shall be provided with effective, timely, additional assistance . . ."

All Title I schools must now dedicate sufficient resources to the "high quality" professional development needed "to enable all children to meet the State's student performance standards." For all Title I schools, the new law requires professional development:

- **to be "designed by principals, teachers, and other school staff" in participating schools;**
- **to support district-wide and schoolwide Title I plans;**
- **to be aligned with State content standards and focused on improving achievement; and**
- **to address racial and gender bias in instruction.**

Title II (formerly the Dwight D. Eisenhower Professional Development Program) provides an additional funding stream for professional development, part of which is targeted to Title I schools. In addition, the new law requires schools identified as needing improvement to devote the equivalent of 10% of their Title I allocation, over a two-year period, to professional development activities. These activities should be part of the school's improvement plan and should focus on helping the staff improve student performance on Title I assessments.

Finally, Title I calls on each state to establish " a statewide system of intensive and sustained support and improvement" for Title I schools. The state support system must include "school support teams," a model distinguished school, and a corps of distinguished educators. This system may be funded at least partially with Title I funds, including funds specifically appropriated for school improvement.

In establishing and administering such systems, states must pay particular

attention to schoolwide programs and schools identified as needing improvement. States must make available, upon request, technical assistance needed by any school or school district that is failing to meet state performance goals. With respect to schoolwide programs, such assistance has taken on particular importance given Congress' decision in 1994 to lower the poverty threshold for eligibility from a 75% to 50% school poverty rate, thereby significantly increasing the number of schools eligible to use their Title I funds on a schoolwide basis.

THE REALITY

All Title I grant recipients have a legal responsibility to build school capacity. Yet the Department has chosen to minimize this capacity-building requirement by providing little or no explanation of this responsibility. Both the draft regulations circulated during the negotiated rulemaking process, and the final regulations promulgated in July, 1995, repeated statutory requirements that state plans describe how the state would help each school district develop the capacity to comply with relevant portions of the law, but provided no additional direction to recipients. Nor did the Department choose to include any specific mention of the capacity-building requirement in its guidance on standards, assessments, and accountability, or in any other section of the Title I guidance. Moreover, the Department chose not to make compliance with the capacity-building provision a condition for approval of states' plans (and hence, the continued flow of Title I dollars to the states) although it could have, and should have, done so.

In short, despite explicit statutory language, and despite commenters' recommendations on proposed plan criteria, the Department failed to request that states describe specifically how they would comply with the capacity-building provision in the plans they submitted to the Department for approval in 1996. More specifically, the instructions did not ask states to explain how they proposed to enable Title I schools and districts to carry out their new duties under sections of the law dealing with schoolwide programs and targeted assistance programs. Similarly, the Department never asked its peer reviewers to check the proposed plans for specific evidence of compliance with the capacity-building provision before the reviewers made their recommendations to Department staff regarding approval. Ultimately, the Department never asked, nor was it told, whether states had any real intention of taking the steps needed to ensure that their Title I schools were able to implement the rigorous requirements of the new law with respect to what actually goes on in the classrooms of Title I schools.

With respect to the second area addressed by the new law's capacity measures, the Department has been a strong proponent of professional development, but has never advised states that it will enforce the relevant Title I provisions, nor has it required the states to enforce these provisions.

As a result, professional development is treated by the Department more as a new approach than an enforceable obligation of recipients under Title I.

States did not specifically discuss the professional development set-aside for schools in need of improvement. Even fewer appear to have implemented this critical provision — partly because few states have in fact identified which schools and districts need improvement. Not all the news is gloomy, however. A number of states, in their plans, recognized the need to provide professional development opportunities in high-poverty schools. The key question here is whether these paper plans will be put into practice. That question, which only time can answer, will need to be addressed in connection with the next reauthorization.

The most encouraging sign with respect to the capacity provisions in Title I is that most states have been willing to heed the call of the new law to help improve schools in a more systematic way by establishing state-organized and financed school support teams and related programs operating out of the state education departments. The

Department's clearest guidance both to the field and to its own peer reviewers on capacity issues was on the topic of state support teams. The result was that many states plans clearly described the creation, composition, and role of school support teams.

In a recent survey, the Council of Chief State School Officers (CSSSO) found:

- Nearly 70% of the states had statewide systems of school support in operation. The remaining states either were starting up systems or still planning them.
- Almost 2/3 of states used, or planned to use, distinguished educators.
- The majority of states provided training for support team members or other service providers.
- Seventeen states had integrated their Title I-mandated support systems with other support structures to some degree.

Unfortunately, very few states, in the Commission's analysis of the CCSSO report, are actually using this provision — and attendant funding — to provide the kind of staff development that is needed in failing schools. For instance, many states appear to focus their efforts on one-day "on-site visits" to schools, on one-shot deal workshops, and on helping schools to write their Title I plans. Moreover, as CCSSO acknowledged, the resources available under Title I have been insufficient to provide for the "high level of resources needed for an effective system."

States have been undercut in their efforts to develop school support systems by the refusal of Congress to appropriate sufficient resources. Congress appropriated no funds for states to use for school improvement in the 1997-98 school year. Rather, states were forced to divert funds from their general Title I allocations for school improvement activities.

Despite deficiencies, a number of states did articulate a strategy for sustained help and capacity-building for their most troubled schools and for the provision of the sort of intensive, hands-on professional development most experts believe is needed to turn around such schools.

A potentially positive development is Congress' 1997 appropriation of $145 million for the Comprehensive School Reform Demonstration Program. The program's purpose is to provide financial incentives for schools to implement comprehensive school reform designs based upon reliable research and effective practices. Beginning in July, 1998, the U.S. Department of Education is allocating funds to states, which in turn will award at least $ 50,000 per school to implement reforms. It is expected that the program will fund reform in approximately 2,500 schools nationwide. Thus, the program could be a significant funding source for capacity-building in Title I schools.

WAIVERS

As part of Title I's exchange of greater flexibility for increased accountability, Congress included "waiver" provisions in the recent amendments to the Elementary and Secondary Education Act (ESEA), the statute that funds the Title I program. Now, for the first time in more than thirty years of federal education law, grant recipients may be relieved of the duty to comply with ESEA provisions that are deemed to impede improvement and reform. Specifically, the ESEA waiver authority grants the Secretary of Education the power to waive for up to three years "any statutory or regulatory requirement of this Act" for any state, school district, or school which receives funds under an ESEA program. The ESEA, however, does not permit several key requirements to be waived, including: civil rights; health or safety; parental participation; allocation or distribution of funds to grant recipients; use of federal funds to supplement, not supplant, non-federal funds; prohibition on a state considering federal grants in determining school districts' eligibility for state aid; maintenance of effort; comparability of services; equitable participation of private school students; certain provisions relating to charter schools; and prohibitions on the use of funds for religious worship or instruction.

The Citizens' Commission analyzed publicly-available data and reports as of

December 31, 1997, the midpoint of the authorization period, in order to determine whether the waiver provisions, and the Department's implementation of them, have supported or undermined the core objective of the law: to improve educational outcomes for children in schools with high concentrations of poverty. The majority of waiver requests during the period studied by the Citizens' Commission related to section 1113, which requires districts to serve their highest poverty schools with a specified minimum allocation. The requests usually reflected districts' desire to serve more schools and more students, despite new restrictions on eligibility. In particular, many districts sought waivers to continue Chapter 1 programs in schools now ineligible under the amended Title I.

OVERVIEW OF WAIVER REQUESTS

Year Received	# Granted	# Denied	# Returned/ Withdrawn	# Pending	# Unknown	Total #
1994	1	0	0	0	0	1
1995	100	12	75	0	1	188
1996	46	21	86	0	1	154
1997	82	8	43	12	3	148
Total	229	41	204	12	5	491

Source: Citizens' Commission Analysis of Material from U.S. Department of Education.

TYPES OF WAIVER REQUESTS

Year	Eligibility/ Targeting (§ 1113)	Schoolwide Programs (§ 1114)	Fiscal (§1120A/ 14501)	Prof. Dev. (§ 2206)	Standards' Deadline (§ 1111)	Other (<5 req. per §)
1994	1 (100%)	0	0	0	0	0
1995	152 (81%)	8 (4%)	7 (4%)	5 (3%)	0	16 (8%)
1996	77 (50%)	37 (24%)	18 (12%)	6 (4%)	0	16 (10%)
1997	43 (29%)	61 (41%)	4 (3%)	3 (2%)	28 (19%)	9 (6%)
Total	273 (56%)	106 (21%)	29 (6%)	14 (3%)	28 (6%)	41 (8%)

Source: Citizens' Commission Analysis of Material from U.S. Department of Education.

The Citizens' Commission found the Department generally made reasonable case-by-case waiver determinations, and required applicants to demonstrate that the needs of higher poverty schools would be adequately addressed. Out of 273 requests for waivers of section 1113, the Department granted 135. Others were returned or withdrawn for a variety of reasons. Most of these waivers were given to schools close to the statute's eligibility threshold, which had demonstrated a commitment to academic improvement. The fiscal impact of these waivers, while important to the districts involved, appeared relatively minor within the larger scheme of Title I, in part because the affected districts usually were small, and the waivers often involved only one or two schools. Thus, in the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

As states and school districts began to implement the new law, they realized that waivers could be used for more than maintaining the status quo. Three important areas in which waivers have helped states and school districts to implement significant reform are: schoolwide programs; professional development; and pilot programs.

In addition, a small but significant number of requests involved districts seeking eligibility waivers for schools participating in desegregation plans, in order to preserve

Title I services for minority students, who absent a waiver, would lose that assistance when they transferred to a desegregated school.

With waivers, as in other areas, the Department got off to a troubling start by promoting flexibility while minimizing accountability. And while the Department prepared preliminary waiver guidance in January, 1995, it did not complete final guidance until August, 1996. In the meantime, guidance came in the form of responses to waiver requests — which, while helpful to the individual applicant, did not clarify issues for the broader public. Not surprisingly, therefore, it took some time for states and school districts to submit proposals for innovative reform. Instead, most early waivers sought to maintain the status quo for one to three years, particularly with respect to school eligibility. Only gradually did applicants realize how waivers could increase their ability to use Title I dollars to leverage change. States and local districts thus began to seek — and were granted — waivers for progressive purposes such as innovative schoolwide reform projects or distribution of professional development funds to areas of greatest need.

The relative paucity of waiver applications — fewer than 500 over a three-year period from out of the 15,000 school districts within the United States — and the small number of provisions for which waivers were requested, suggests that the law is workable as written. States and school districts have not felt so overwhelmed by the requirements of the new law that they have flocked to the federal government for relief,

and many of those that did apply for waivers need not have done so; the high percentage of requests returned by the Department indicates that many applicants had not carefully read the law and thus had not realized the degree of flexibility within the amended Title I.

However, there is still the very real possibility that the low number of waiver requests reflects, in part, the fact that many school officials either do not fully comprehend their obligations under Title I, or do not take them seriously. Such a possibility is made more real by the Department's emphasis on flexibility rather than on accountability in its guidance, past laxity in enforcement, and its interpretations of the law which suggest, among other things, that weak standards and assessments are permissible.

Waivers, on their face, still are of some concern. In the wrong hands, such as those of an administration not dedicated to insisting that reforms meet the needs of poor children, waivers could be used to undermine the intent underlying Title I. But, to date, the process has been administered fairly and the waivers do not appear to have contravened the purpose of the law.

GOOD NEWS

Although most parents and educators profess the belief that "all children can learn," until recently, there have been few large-scale examples of successful high-poverty schools. Now, after operating for three years under Title I, and assisted by initiatives catalyzed by Goals 2000, the New American Schools program, and state reform efforts, the number of school success stories is steadily increasing. Numerous school improvement programs have begun to "scale up," bringing reform to hundreds, rather than just a handful of schools. Entire districts are beginning to implement reforms based on research about effective schooling for disadvantaged students. Significantly, there is now evidence that these heightened reform efforts are improving achievement district-wide, rather than just for individual isolated schools.

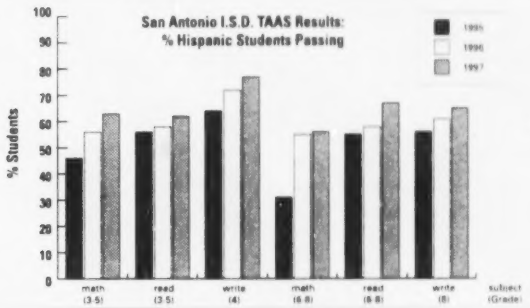
These success stories shift the focus of the debate from what is wrong with kids (or their parents) to what schools can do to level the playing field and provide opportunities to learn.

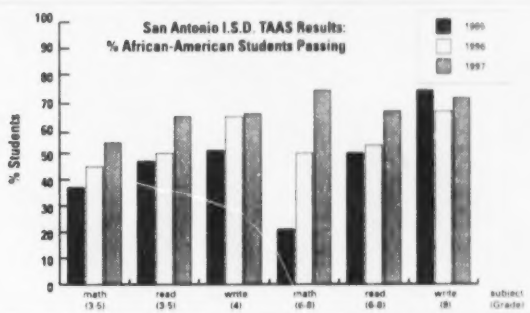
The Citizens' Commission examined the results of standards-based reform in three cities — San Antonio, Texas; Philadelphia, Pennsylvania; and Memphis, Tennessee — where schools serving largely poor and minority populations are improving steadily as a

result of aggressive, district-wide reforms. With strong community support, and even stronger leadership, these districts have overcome numerous barriers to student achievement.

For example, in San Antonio, over a five-year period, the number of low-performing schools has declined from forty to six. Student achievement, especially among poor and minority students, has improved across all grades and subjects. San Antonio is part of the Texas reform effort that has produced gains in many systems. Key elements of the San Antonio reform effort include:

- dedicated teachers and supportive parents;
- the state's accountability system;
- a focus on whole school change;
- comprehensive, ongoing use of data to drive planning and instruction and monitor results; and
- the use of New American Schools design models such as Roots and Wings and Expeditionary Learning, or the use of other approaches that contained a strong research base, sound professional development, a bilingual component, and had achieved prior success with urban minority children.





Source: San Antonio Independent School District Testing Department.

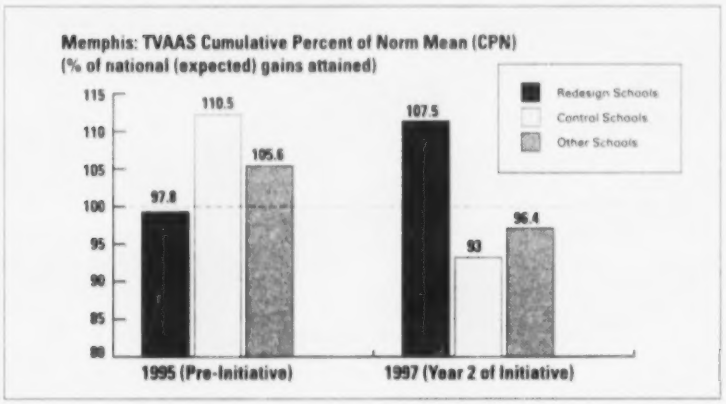
In Philadelphia, a rigorous reform program incorporating many Title I features has resulted in city-wide gains in student achievement in a system where the great majority of children are poor. Philadelphia's key reform efforts include:

- adoption of its own content standards in the absence of state standards;
- increased professional development (funded partly with Title I funds);
- establishment of small learning communities;
- support programs such as full-day kindergarten, after-school programs, textbooks and materials in major subjects, more technology, support for English-language learners, and services for students with disabilities;
- an increase in the number of teachers who are certified; and
- use of an accountability system, known as the Professional Responsibility Index, that the school board devised to measure school progress toward the

twelve-year goal (a composite of student test scores, student and teacher attendance, promotion rates for elementary and middle schools, and persistence rates for high schools).

In Memphis, the entire district has embraced school reform. In 1997-98, nearly half of its schools had implemented schoolwide reform, and beginning this year, all Memphis schools must adopt an approved redesign model. Schools that have been redesigned along lines contemplated by Title I have produced substantial gains in achievement, and the proportion of students taking college preparatory courses in math has increased from 41% to 66% over a four-year period. Key elements of the Memphis reform movement include the following:

- decentralized district management;
- increased communication between individual schools and the central office and the creation of site-based decisionmaking councils at each school;
- increased budget authority for principals;
- increased accountability for schools;
- new academic content standards written with the advice of teachers, parents, community members, business and civic leaders, local university professors, and national experts;
- an assessment system that uses such measures as the TCAP (the standardized statewide student assessment), grades and portfolios; and
- the implementation of New American Schools designs, such as Roots and Wings and Accelerated Schools.



Source: Memphis City Schools, Getting Better by Design (1998)
©1998 Memphis City Schools

These success stories are still the exception, but they need not be. Their reforms and results can be replicated when a community, spurred by sufficient political will, strong leadership from school and government officials, teacher support, and financing, commits itself to change. Title I, by providing critical funding and key reform concepts, can be a lever for educational reform that makes a difference in students' lives.

CONCLUSION

While debate continues about the general health of American public education, almost all knowledgeable people agree that schooling for poor children is in a crisis state. Many poor children, particularly children of color, live and attend school in circumstances of concentrated poverty. In these high-poverty schools they are often taught by underqualified teachers and they generally have less access to needed resources and services such as preschool, early reading programs, counseling, smaller class sizes, and professional development for their teachers.

In addition, poor children with special needs, such as students with disabilities and those with limited proficiency in English, find these needs unaddressed in public schools. And the standards and expectations set for economically disadvantaged children, both those in high-poverty schools and those assigned to the lower tracks of other schools, are far lower than those set for other students.

As a result, many disadvantaged youngsters are performing poorly in school and are emerging without the knowledge and skills that would enable them to be productive and participating citizens in American society.

The fault for these conditions lies not in our children, but in our schools, in our society and in ourselves. If any doubt existed on this score, it should have been extinguished by the great academic progress that many black and Latino students who once were shackled by segregation and other forms of discrimination achieved once these restraints were lifted. The strides made by these youngsters in the wake of the civil rights revolution send a clear message that children who are given the opportunity to succeed will make good use of it.

The difficulty is that many have not been given the opportunity, and that in some ways the progress that has already been made is the enemy of future progress. Thus, the easing of racial discrimination in housing has meant opportunities for some, but has increased stratification by income and increased the poverty of schools for those left behind. So too, the breakthroughs in employment opportunities, in business, and the professions have diminished the captive talent pool of women and minorities that once staffed the teaching profession, making it harder to attract and retain good teachers in inner-city schools. And the economic and technological advances made in recent years have created a demand for a better educated and more highly skilled work force. The development of basic skills, which long had been the objective of federal education assistance to disadvantaged youngsters, is no longer adequate to meet the needs of a post-industrial economy.

A recognition of these changed circumstances helped fuel a determination in 1994 by education advocates, the Clinton Administration, and Congress to overhaul Title I of the Elementary and Secondary Education Act, the three-decade old program of federal assistance to state and local agencies for disadvantaged children. While that program had made modest contributions to the advancement of poor and minority students, it was widely recognized that it was inadequate to the needs of the time. Indeed, in ratifying a two-tiered system of education, in sanctioning pulling children out of regular classes for remediation, in failing to focus on the need to upgrade whole schools and school systems, the pre-1994 Title I program had in many ways become an impediment to progress.

The 1994 effort succeeded in establishing a new national charter for education reform. Premised on a finding that educational success should be expected of all children, the new law called on the states to set high standards for all and to fashion new tools for determining whether the standards were being met. Most important, the law evinced a

willingness by the federal government to forego prescriptive regulation, in exchange for a commitment by states, school districts, and individual schools to be held accountable for the progress of children.

This study, the first installment of the Citizens' Commission's review of what has transpired since Congress enacted the 1994 reforms, is a good news/bad news report.

The good news is that the Clinton Administration has been steadfast in its commitment to support for public schools and to targeting Title I resources to schools with the greatest needs. It has also advocated increased funding of Title I and other key programs to meet the educational needs of poor children.

Moreover, several states and a number of urban districts have engaged in major reform and are able to report significant progress for poor children. States such as Kentucky, Maryland, and Texas had begun to put the structures of standards-based reform in place even before the 1994 amendments and have been able to use the precepts and resources provided by Title I to make further progress. City districts, such as Philadelphia, San Antonio, and Memphis, have implemented learning strategies that work for poor children and professional development programs have arm teachers with the capability and will to make real change. The results suggest that progress need not be limited to a handful of schools led by dynamic and charismatic principals, but can be replicated more generally.

The bad news is that the Clinton Administration, once a prime advocate of standards-based reform, has since had a massive failure of will and nerve.

That failure has been manifested by a refusal to insist that states comply with fundamental provisions of the law, notably the requirement that a single set of high standards be established for all the children in a state. In the Administration's readiness to countenance differing standards and expectations for children — one set for children in more affluent suburbs and another for poor children in inner cities — there are disturbing echoes of the old racially dual systems of education that the Supreme Court addressed in *Brown v. Board of Education,* and of the two-tiered system of advanced versus basic education that the 1994 Title I reforms were designed to eliminate.

The Administration's rationalization for its passivity is that education is primarily a state and local function and that the appropriate federal role is to provide financial and technical assistance. It is true that much of the impetus for education reform has come from the states and from local education leaders. But it is equally true that without the active participation of the national government the benefits of reform will never reach the children who are worst off in this society. In resurrecting the old rhetoric of "states' rights" and "local control", the Clinton Administration ignores the crimes against African Americans that were committed in the name of states' rights and the constitutional role of the national government as guarantor of equal protection that emerged from the Civil War. In pleading federal powerlessness, the leaders of the Department of Education ignore the courageous role their predecessors played in using the civil rights laws to help end school segregation, in assuring that funds designed to provide opportunities for poor children were used for their intended purpose and, later, in gaining access to educational opportunities for female and disabled students. Most of all, the Administration closes its eyes to continued inequities and barriers that states foster or tolerate, which are devastating to the educational opportunities of poor children.

The political rationale for the Administration's retreat was the election of a Republican Congress soon after the enactment of the Title I reforms in 1994. In the Administration's view, for it to insist that states carry out the obligations that Congress placed on it in 1994 would be to invite the current Congress to repeal the law. The fears of the Administration are not without foundation. Some Republican legislators are proposing that federal grants to education be in the form of block grants that would diminish the fed-

eral role further, and others are seeking to carve out a major portion of aid to public schools for vouchers fostering private education.

But these ideas have not yet gathered broad acceptance, and it is far from clear that, for those who are opposed to them, the most effective strategy is to water down competing initiatives that promise educational improvement. Moreover, the central elements of standards-based reform are not "Democratic v. Republican" or "liberal v. conservative" ideas. High standards for all children is a goal that is generally embraced, and holding schools and school systems accountable for producing academic progress is a strategy espoused by conservative business leaders as well as liberal academicians. It may well be that an Administration prepared to make its case for reform and for the limited but critically important role of the national government would gather broader support than it apparently expects. Few people anticipated in advance the coalescence of views that led to passage and effective enforcement of equal educational opportunity laws and policies in the 1960s.

It would be unwise to overestimate the likely impact of standards-based reform on public education. The history of public education is littered with reforms offered as panaceas that failed to achieve their promise. But there are also strong reasons not to abandon in midstream an initiative that gives evidence of succeeding.

No alternative to Title I reform has surfaced that holds out more hope of revitalizing the public schools that continue to serve the largest numbers of American children. No other set of proposals is truer to the unique American vision of common schools where all children are offered the means to achieve to their full potential.

The debate that begins next year over the reauthorization of Title I and competing proposals will have an important and potentially decisive impact on the future course of American public education. The Citizens' Commission offers this report and recommendations in the hope that they will add information and perspective to the debate. This is a time for those who believe in what all children can achieve to speak for their futures.

FINDINGS AND RECOMMENDATIONS

THE CITIZENS' COMMISSION MAKES THE FOLLOWING FINDINGS:

FINDINGS

1. THE MOST URGENT NEED IN EDUCATION

The most urgent need in American education today is to remove the barriers to opportunity that now face poor children, particularly children of color, children with disabilities, and children with limited proficiency in English. The greatest obstacles are those facing children who live in concentrated poverty, a condition that disproportionately affects black, Latino, and other minority children. Children who attend high-poverty schools are often taught by underqualified teachers and generally have less access than others to needed resources and services such as preschool, early reading programs, counseling, smaller class sizes, and professional development for their teachers. In addition, the standards and expectations set for students in high-poverty schools, as well as for those assigned to lower tracks of other schools, are lower than those set for other students.

As a result of these barriers, many poor children, particularly those attending school in conditions of concentrated poverty, are performing at low levels and are not reaching their academic potential.

2. THE FEDERAL ROLE IN EDUCATION

While the federal role in education is limited, the national government has a vital role in assuring equality of educational opportunity. The equal protection clause of the Fourteenth Amendment is a mandate to federal departments and agencies to redress discrimination against children. There is also a national interest, founded in part on the General Welfare and Domestic Tranquility sections of the Constitution, in strengthening public education so that it can contribute to a productive and unified nation.

The national interest in education has been manifested for the past three decades primarily through civil rights laws and through Title I of the Elementary and Secondary Education Act, an $8 billion program that now serves nearly 10.5 million students in some 50,000 schools. Although the federal share of educational expenditures is small (less that seven percent), this aid has helped to narrow the gap in education revenue that exists between high-and low-income areas because of inequities in state school financing systems.

3. THE IMPACT OF THE OLD TITLE I

During the 1970s and 1980s, black and Latino students made encouraging educational progress, with gains that closed almost half the gap between their levels of achievement and those of white students. There is evidence that the Title I program, along with school desegregation, Head Start, and other initiatives, contributed to these gains.

Nevertheless, the academic progress of poor children has been limited. Evidence drawn from schools operating under the old law showed that the law was not fully effective because: (a) it was designed to teach only basic, not advanced, skills; (b) it was based on and ratified low expectations of poor and minority youngsters; and (c) it isolated these youngsters from the mainstream by pulling them out of the classroom for remediation.

4. KEY ELEMENTS OF THE NEW TITLE I REFORMS

To deal with the deficiencies identified, Congress completely overhauled the law in the Improving America's Schools Act of 1994. The new law was based on a finding that all children could master challenging material and higher level skills. It called for the setting of high standards, for the development of new forms of assessment to determine whether the standards were being met, for holding schools and school systems accountable for educational progress, and for using Title I resources to build the capacity of schools and school systems to meet their responsibilities.

(a) To address the problem of low expectations, the law called on states to adopt content standards articulating what children should know and be able to do and performance standards describing levels of proficiency that students reached in meeting the standards. These standards were to be set in at least reading/ language arts and mathematics, and extended to Title I eligible children in other subject matter areas if the state voluntarily adopted standards in additional areas.

(b) To address the problem of tests that examine students in only a few subjects, that assess only basic skills, and that compare test-takers only to each other rather than measuring their progress in learning what they should know, the new Title I called for new forms of assessment. The new assessments, to be in effect by 2000-01, must be:

- criterion-referenced and aligned with content and performance standards;
- statewide in application;
- inclusive of all students and providing accommodations for disabled and limited-English proficient sudents; and
- disaggregated, so that results are reported by economic status, race ethnicity, gender, English proficiency status, disability and migrant status

(c) To deal with problems stemming from a lack of responsibility for acheving results by state and local educational authorities, the statute called for the development by states of a comprehensive system of accountability. During the first five years, when standards and assessments are still being developed, states are required to develop procedures to identify schools and school districts in need of improvement. When the accountability system is complete, it must include provisions for

- adequate yearly progress, calling for continuous and substantial annual improvement in each district and school, particularly in the performance of disadvantaged and limited English proficient students in meeting proficient and advanced levels;
- public reporting, parent involvement, and public engagement on the issues of how to improve schools;
- identification of schools in need of improvement;
- corrective action to deal with school districts and schools that fail to make progress. Such action may include the withholding of funds, reconstituting schools and school districts, establishing charter schools, or allowing students to transfer out of failing schools to other schools or school districts.

(d) To help ensure that Title I funds are used in ways that advance the goal of high performance, the statute placed great emphasis on capacity-building, particularly in the professional development of teachers. While Congress did not want to dictate inputs in a law focused on accountability for results, the statute did call upon states to articulate how they would help districts and schools achieve the capacity to carry out their obligations and did require specific sums to be set aside for professional development in schools that were failing to meet their performance goals.

5. THE POSITIVE RESULTS OF STANDARDS-BASED REFORM

The new Title I reforms are sound and workable. While the reforms called for by the 1994 amendments are still in midstream, evidence of their positive impact is accumulating in states that had similar standards-based reform in effect prior to 1994 and in places that have acted rapidly to implement the 1994 reforms.

In several states, notably Maryland, Texas, and Kentucky, major elements of reform have been put into place on a statewide basis.

A number of urban school districts have also launched reforms. For example, in Philadelphia, a rigorous reform program incorporating many Title I features has resulted in city-wide gains in student achievement in a system where the great majority of students are poor. In San Antonio, the number of low-performing schools has declined from forty to six over a five-year period. San Antonio is part of the Texas reform effort that has produced gains in many systems. In Memphis, schools that have been redesigned along lines contem-

plated by Title I have produced substantial gains in achievement and the proportion of students taking college preparatory courses in math has increased from 41% to 66% over a four-year period. In these and other places, Title I dollars are helping to carry out well-conceived reforms.

The new Title I has not imposed onerous or unduly burdensome requirements on state or local fund recipients. Unlike the old law which called for detailed accounting on the expenditure of dollars, the new Title I discards detailed regulation in favor of an emphasis on accountability for results. The Citizens' Commission's review of state plans and of waiver requests provides supportive evidence for this finding, demonstrating that neither states nor districts have seen a need to approach the Department of Education in any significant numbers with requests for waivers of their duty to comply with the law.

6. FACTORS RETARDING PROGRESS

There is wide variance in the degree to which states have complied with the requirements of the new Title I. From our review of state plans and other pertinent material, the Citizens' Commission believes that a number of states have embraced the principles that all students should be expected to meet high standards and that those who operate public schools should be held accountable for achieving this goal. Other states embrace these principles in general, but shrink from applying them to benefit economically disadvantaged students. Still other states have yet to adopt standards-based reform.

Failures by the U.S. Department of Education to take actions needed to implement and enforce the new Title I have retarded educational progress. The Clinton Administration certainly deserves credit for its steadfast support for public schools and for directing public attention to needs for educational improvement. With respect to Title I, the U. S. Department of Education has taken some positive action to further the specific purposes of the new law, providing general information and guidance about its aims, prodding states to upgrade their procedures for identifying schools in need of improvement, and recommending to Congress greater targeting of funds to poor areas.

But the Department has shrunk from furnishing clear messages to state and local education agencies on any issue that might prove controversial. As a result, many state and local education officials have received the impression that the new Title I is largely a deregulation law that will free them from bothersome federal conditions, and have failed to understand that the tradeoff in the law is higher standards and accountability for results.

Most significantly, the Department has either failed to implement or has misinterpreted key provisions of the law that are designed to equalize learning opportunities between poor and non-poor children:

- Contrary to the law, the Department has limited the requirement of standards and assessments for Title I purposes to two subjects — reading and mathematics — even when states had standards and assessments in other subjects.
- Contrary to the law, which requires states to adopt uniform standards, the Department has permitted states to accept differing local standards, without any effective means for assuring that all children will be called upon to meet high standards. Similarly, the Department has permitted states to use differing local assessments, again without any effective assurances of comparability.
- Ignoring the law, the Department has failed to insist that states reveal how they will assist local districts and schools in achieving the capacity to help students meet high standards. As a result, few states have made a substantial commitment to helping low-income districts acquire the resources to improve teaching, increase learning time, or meet other requirements of the law.

Cumulatively, these defaults and misinterpretations of the law by the Department have served to undermine a central objective of the new Title I: to eliminate the dual system that prevails in American education and that consigns poor children, children of color and children with special needs to schools and programs with lower expectations, lower standards, fewer resources and

fewer opportunities than those enjoyed by the great majority of advantaged children.

Progress has been further retarded by the following failures of the Department:

- the failure to adopt in a timely way criteria for determining whether states have demonstrated that their content standards meet the requirements of the law;
- the failure to insist on timely adoption by states of performance standards for gauging proficiency and the acceptance of plans lacking an approved process for developing performance standards, with the result that as of the summer of 1998, thirty-one states and Puerto Rico had neither content nor performance standards or a process for developing them;
- the failure to explicate the statutory requirement that children be assessed in the language most likely to yield accurate information about their knowledge and skills;
- the failure to require states to measure separately the annual yearly progress of poor children and children with limited-English proficiency so that the requirements of the law cannot be met solely by the gains of more advantaged children;
- the failure to insist on processes for assuring that children with disabilities will receive accommodations and will not be excluded from assessment except in rare circumstances;
- the failure to make clear to states and local education agencies that Title I assessments are not to be used for high stakes purposes; and
- the failure to place sufficient emphasis on the importance of improving teaching through thoughtful programs of professional development.

In criticizing the Department, the Citizens' Commission does not suggest in any way that state and local officials have done their part to effectuate the purposes of the law. Indeed, the Citizens' Commission's review of state plans suggests that for all their rhetoric about education reform, many states have failed to heed the call of the new law to ensure that poor and minority children reap the benefits of standards-based reform. Moreover, after gladly accepting the changes in the law devolving significant responsibility from the federal and state government with respect to ensuring improved outcomes, the states' behavior suggests many may not be up to the hard work such responsibility entails.

Nor should Congress' role in holding back progress be under-emphasized. At a time when many in Congress are promoting the devolution of federal power and responsibility to state officials, the failure to appropriate sufficient funds to assist states in handling their growing public education responsibilities is particular troubling.

7. PROSPECTS FOR THE FUTURE

Despite the multiple failures of the U.S. Department of Education in implementing the new Title I, there is every reason to believe that the program can be successful in the future. Since the process of reform contemplated is a long-term one, the five-year authorization period is expiring before states have completed and implemented their reforms. But the experience of several states in raising standards, in adopting new learning strategies, in fashioning more useful assessment tools, and in creating practical accountability systems, has already yielded positive results in the improved achievement of disadvantaged youngsters. Prospects for further gains will be enhanced by modest improvements in the statute, and a commitment by the Clinton Administration to implement the law, including a willingness to enforce its provisions where violations occur.

RECOMMENDATIONS

THE CITIZENS' COMMISSION OFFERS THE FOLLOWING RECOMMENDATIONS:

1. *Congress should ratify the principles of standards-based reform contained in the 1994 amendments to Title I of the Elementary and Secondary Education Act by reauthorizing the Act for at least five more years.* The central elements of that law — setting high standards and expectations for all children, fashioning new tools to assess how well children are being taught, and holding schools and school systems accountable — are all critically important to the educational advancement of poor children. The reform process set in motion by the Improving America's Schools Act of 1994 (IASA) was not intended to be completed until the turn of the new century; therefore reauthorization is needed to allow sufficient time for the reforms to be completed. Only if there were strong indications that the approach taken in 1994 was failing would termination and a search for alternatives be warranted. To the contrary, where reforms are being seriously undertaken, there is strong evidence that they are succeeding.

2. *Congress should take additional steps to improve the capacity of schools and school districts in areas of concentrated poverty to meet the challenge of helping all their students reach high standards. In particular, Congress should make efforts to:*

- *Attract the most able people to teach in high-poverty areas.* Congress should enact a program to provide college loan forgiveness to able teachers who are certified and who commit to teaching for five years in schools in which at least 75% percent of the children enrolled are from low-income families. Congress should also appropriate funds to permit bonuses of $2500 per year to be awarded to teachers with certification from the National Board for Professional Teaching Standards who commit to teaching for five years in such low-income schools. The federal government should also encourage corporate and state education leaders to facilitate mid-career transfers of business people who have an interest in teaching (particularly in science and technology) to teach in low-income schools.
- *Improve the skills of the teachers through enhanced opportunities for professional development.* While Congress sought in the 1994 amendments not to be prescriptive as long as results were obtained, there is much evidence that providing opportunities to teachers for professional development, particularly in learning strategies and teaching techniques that have proved effective, is a very sound investment. Accordingly, all schools should be required to devote at least 10% (schools identified as needing improvement should be required to spend a larger proportion) of their budget to professional development.
- *Direct more resources to schools with high concentrations of poverty.* In 1994, Congress, recognizing the barriers posed by concentrated poverty, made provision in the Title I allocation formula for distributing some funds by weighting for such concentrations. But this was an alternative formula that could be triggered only in limited circumstances, and it has never gone into effect. The evidence from the Prospects report and other sources reinforces the devastating educational effects of concentrated poverty. This time, Congress should assure that a substantial part of the total appropriation is allocated through a formula weighted for concentrated poverty.

3. *The President and the Secretary of Education should announce the resolve of the Administration to implement and enforce Title I to secure its primary purpose: equalizing the learning opportunities available to poor and non-poor children. To that end, they should direct federal officials to take the following steps:*

- *Ensure that states hold all children to the same high standards and use the same assessment tools to measure their progress.* The dual standards and assessments that the U.S. Department of Education has sanctioned do the same kind of harm to poor and minority children that the racially dual school systems prohibited by Brown v. Board of

Education have done in the past. These dual standards and assessments are not sanctioned by law and should be terminated immediately.

- *Ensure that states and school districts make a broad and challenging curriculum available to all children.* Ensuring that children in the poorest schools and districts have access to the same courses and materials that are available to those in the wealthiest areas is vital if all children are to have the opportunity to reach proficient and advanced levels. This also means that the U.S. Department of Education must hold state and local officials accountable for securing progress for poor children in all subject areas in which the state has standards, not simply in reading and mathematics.
- *Insist that states carry out their statutory mandate to set forth a program for assisting local districts and schools in achieving the capacity to help students meet high standards.* It is no secret that some states have school financing systems so inequitable that property-poor districts lack the capacity to attract and retain significant numbers of qualified teachers, to provide up-to-date texts and materials, to maintain small class sizes, and to provide other important educational services. While Title I does not rectify this problem, it does seek to provide at least a partial solution. The U. S. Department of Education should no longer ignore this requirement of the law.
- *Insist that children with limited proficiency in English and children with disabilities be included in assessments and be given needed accommodations.* Needed accommodations include observing the statutory requirement that children be tested in the language most likely to reveal accurate information about what they know and can do. In practice, children who are exempted from participating in assessments often are not taught because school officials are not held responsible for their progress.
- *Ensure that states provide meaningful remedies for children who are trapped in failing schools or school systems.* The law's requirement that states assure that corrective action will be taken against schools and school districts failing to make adequate progress will soon come into effect. While Title I does not mandate the particular actions that must be taken, it also does not contemplate that children will be left in failing schools. At a minimum, the U.S. Department of Education must insist that steps be taken to assure that failing schools be reconstituted in a way that promises real progress, and that children have the option of transferring to schools or districts that offer effective education.

4. *Governors and state and local education leaders should heed the mandate of Title I and in many cases, their own state laws and policies, to ensure that poor and minority children reap the benefits of standards-based reform.* State leaders should take bold action to close the gap between rich and poor districts and to improve learning opportunities for poor and minority students. State and local educators should ensure that standards are high for all children, that qualified teachers are available to the neediest students, and that accountability measures are implemented that afford all children access to successful schools.

2000 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 659 5565

BEST COPY AVAILABLE